



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ph

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,012	11/21/2003	Ecro Kaappa	915-006.029	2782
4955 7590 02/20/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER ROSE, HELENE ROBERTA	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 02/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/720,012

Applicant(s)

KAAPPA, EERO

Examiner

Helene Rose

Art Unit

2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-10, 13, 14 and 16-22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


DON WONG

SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments have been considered but are not persuasive. In which applicant is "re-hashing" of arguments that have already been addressed. Therefore, the rejection is maintained as set forth on the Final Office Action mailed out on 11/22/2007.

Claim 18 recites that a plurality of objects comprises different types of objects out of a group including at least a fixed object, a run-time object, a leaf object, and a link object. Andrews does not disclose or suggest either a fixed object or a run-time object.

Examiner Response:

Examiner is not persuaded. Examiner is not persuaded. Referring to "fixed object", See column 6, lines 38-47, wherein removing large numbers of objects is equivalent to fixed objects; and column 8, lines 29-33, wherein type object would violate containment rules associated with destination directory, the object type of object is changed to an UNRESTRICTED object, type, wherein UNRESTRICTED object type is a special object type that can exist anywhere in the tree without violating containment rules, wherein the UNRESTRICTED object type is interpreted to be fixed because it doesn't violate rules, wherein the containment rules prohibit certain parent/child relationships among the objects, wherein rules are predefined.

Referring to "run-time object", See column 5, lines 54-64, wherein running programs executing in a run-time environment, and wherein object oriented programming languages such as C and C++ which are programming instructions that are executed in the run time environment, and wherein object oriented programming languages are defined to be data types of data structures, wherein this is interpreted to be equivalent to an "run-time object".

Applicant argues/states:

In responding to applicant's previously arguments, the Office asserts that the UNRESTRICTED object type discussed in Andrews is the equivalent of the fixed object type recited in claim 18, and that claim 18 does not recite "an object type that has a fixed title."

First, with regards to the Office's assertion that applicant has argued new claim language, applicant respectfully points out that claim 18 recites that a fixed object is an object type that has a fixed title, because claim 18 specifically recites "wherein said fixed object type has a fixed title."

Therefore, applicant was merely pointing out that regardless of the name given to an object type in Andrews, Andrews does not disclose or suggest any object types that have a fixed title, and therefore cannot prior art fails to disclose a "fixed objection type has a fixed title" and a "run-time object has a titled defined during run-time"

Examiner Response:

Examiner respectfully disagrees. Applicant argues an NEW claim, which was not presently defined within the original office action mailed out on 5/22/2006, therefore in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an object type that has a fixed title) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, Examiner is not persuaded. Referring to "fixed title", See column 4, lines 50-51, wherein container objects are used to provide logical order to the tree structure, wherein the "logical order" is interpreted to be predefined which is equivalent to fixed; and column 4, lines 56-60, wherein engineering object, a R&D object and a marketing object may all be subordinate to an organization type container entitled North America, which is interpreted to be "fixed title", wherein entitled is defined to be "given a title to".

Referring to "run-time object has a titled defined during run-time", See column 5, lines 54-64, as previously stated above, wherein running programs executing in a run-time environment, and wherein object oriented programming languages such as C and C++ which are program instructions that are executed in the run time environment, and wherein object oriented programming languages are defined to be data types of data structures, which is also interpreted to be equivalent to an run-time object; and column 4, lines 54-55, wherein organization type unit container entitled Engineering, wherein entitled is interpreted to be the title, wherein entitled is defined to be "given a title to".

Applicant argues:

Applicant argues prior art fails to disclose or suggest a "substitution of two objects by a new object".

Examiner Response:

Examiner is not persuaded. Referring to column 9, lines 41-47, wherein code is utilized for renaming of an object, which is interpreted to be replacing and equivalent to "substitution"; wherein old_name + _ + tree name are interpreted to be the two objects that make up the newName, which is interpreted to be the new object.